

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Judiciary, to which was referred Senate Bill No. 506, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 11-13-1-1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) A court or
5 division of a court authorized to impose probation shall appoint one (1)
6 or more probation officers, depending on the needs of the court, except
7 that two (2) or more divisions within a court, two (2) or more courts
8 within a county, or two (2) or more courts not in the same county may
9 jointly appoint and employ one (1) or more probation officers for the
10 purpose of meeting the requirements of this section.
11 (b) A person may be appointed as a probation officer after the
12 effective date established by the judicial conference of Indiana only if
13 that person meets the minimum employment qualifications adopted by
14 the conference, except that this requirement does not apply to any
15 person certified as a qualified probation officer before that effective
16 date. Any uncertified person appointed as a probation officer after the
17 effective date who fails to successfully complete the written
18 examination established under section 8 of this chapter within six (6)
19 months after the date of ~~his~~ **the person's** appointment is prohibited

1 from exercising the powers of a probation officer as granted by law.

2 (c) Probation officers shall serve at the pleasure of the appointing
3 court and are directly responsible to and subject to the orders of the
4 court. The amount and time of payment of salaries of probation officers
5 shall be fixed by the court consistent with section 8 of this chapter to
6 **county fiscal body in accordance with the salary schedule adopted**
7 **by the county fiscal body under IC 36-2-16.5. The salary of a**
8 **probation officer shall** be paid out of the county or city treasury by the
9 county auditor or city controller. Probation officers are entitled to their
10 actual expenses necessarily incurred in the performance of their duties.
11 Probation officers shall give a bond if the court so directs in a sum to
12 be fixed by the court.

13 (d) A court, or two (2) or more courts acting jointly, may designate
14 a probation officer to direct and supervise the work of the probation
15 department.

16 SECTION 2. IC 31-31-5-2 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) **The salary of a**
18 **probation officer shall be fixed by the county fiscal body in**
19 **accordance with the salary schedule adopted by the county fiscal**
20 **body under IC 36-2-16.5. The salary of a probation officer shall be**
21 **paid by the county.**

22 (b) Subject to the approval of the county fiscal body, the judge shall
23 fix and the county shall pay the salaries of ~~the probation officers and~~
24 ~~other juvenile court employees~~ **other than probation officers.**

25 ~~(b)~~ (c) In addition to their annual salary, probation officers shall be
26 reimbursed for any necessary travel expenses incurred in the
27 performance of their duties in accordance with the law governing state
28 officers and employees."

29 Page 3, line 4, delete "officer" and insert "**officer.**".

30 Page 3, delete line 5.

31 Page 3, delete lines 9 through 12.

32 Page 3, line 13, reset in roman "(b)".

33 Page 3, line 13, delete "(c)" and insert "**The probation department**
34 **or clerk shall collect the administrative fee under subsection (a)(3)**
35 **before collecting any other fee under subsection (a).**".

36 Page 3, line 14, after "fees" insert "**and the administrative fees**".

37 Page 3, between lines 36 and 37, begin a new paragraph and insert:
38 "SECTION 6. IC 31-40-2-2 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) The fiscal body
2 of the county shall appropriate money from the county supplemental
3 juvenile probation services fund:

4 (1) to the juvenile courts of the county for the use by the courts in
5 supplementing probation services to juveniles; **and**

6 **(2) to supplement the salaries of juvenile probation officers in**
7 **accordance with the salary schedule set by the county fiscal**
8 **body under IC 36-2-16.5.**

9 (b) Money in the county supplemental juvenile probation services
10 fund may be used only for supplementing probation services and ~~for~~
11 ~~salary increases for~~ **to supplement the salaries of** probation officers
12 in accordance with IC 31-31-5."

13 Page 5, delete lines 6 through 15.

14 Page 5, line 16, reset in roman "(e)".

15 Page 5, line 16, delete "(f) Except for the money from" and insert
16 **"The probation department or clerk shall collect the"**.

17 Page 5, line 17, delete ", all" and insert **"before collecting any**
18 **other fee under subsection (c) or (d). All"**.

19 Page 5, line 22, after "fund" insert ":

20 **(1)".**

21 Page 5, line 23, delete "." and insert **"to supplement adult**
22 **probation services; and**

23 **(2) to supplement the salaries of probation officers in**
24 **accordance with the schedule adopted by the county fiscal**
25 **body under IC 36-2-16.5."**

26 Page 5, line 24, reset in roman "(f)".

27 Page 5, line 24, delete "(g) Except for money from administrative
28 fees under" and insert **"The probation department or clerk shall**
29 **collect the administrative fee under subsection (d)(4) before**
30 **collecting any other fee under subsection (d)."**

31 Page 5, line 25, delete "subsections (d)(4), all" and insert "All".

32 Page 5, line 27, delete "town." and insert "town".

33 Page 5, line 27, strike "The fiscal officer shall" and insert **"for"**.

34 Page 5, line 27, strike "the money".

35 Page 5, line 38, reset in roman "(g)".

36 Page 5, line 38, delete "(h)".

37 Page 5, line 40, strike "increase" and insert **"supplement"**.

38 Page 6, line 4, reset in roman "(h)".

1 Page 6, line 4, delete "(i)".

2 Page 6, line 10, reset in roman "(i)".

3 Page 6, line 10, delete "(j)".

4 Page 6, line 17, delete "(k)" and insert "(j)".

5 Page 7, after line 40, begin a new paragraph and insert:

6 "SECTION 10. IC 36-2-16.5 IS ADDED TO THE INDIANA CODE
7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2003]:

9 **Chapter 16.5. Salary Schedule for Probation Officers**

10 **Sec. 1. This chapter applies to all counties.**

11 **Sec. 2. As used in this chapter, "probation officer" means a**
12 **probation officer or a juvenile probation officer.**

13 **Sec. 3. In consultation with:**

14 **(1) at least one (1) judge of a court or division of a court**
15 **authorized to impose probation; and**

16 **(2) at least one (1) probation officer;**

17 **the county fiscal body shall adopt a salary schedule setting the**
18 **compensation of a probation officer. The salary schedule must**
19 **comply with the minimum compensation requirements for**
20 **probation officers adopted by the judicial conference of Indiana**
21 **under IC 11-13-1-8.**

22 **Sec. 4. The county fiscal body shall fix the salary of a probation**
23 **officer based on the salary schedule adopted under this chapter.**

24 **Sec. 5. Unless otherwise specified in the salary schedule, a**

1 **probation officer is entitled to the same benefits, holidays, and**
2 **hours as other county employees."**

3 Renumber all SECTIONS consecutively.
 (Reference is to SB 506 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

Bray

Chairperson